

1280-37

DECLARATION AND POWER OF ATTORNEY

REGULAR OR DESIGN APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HIGH THROUGHPUT SCREENING OF LIBRARIES

the specification of which:

(check one)

☒ [X] is attached hereto

☐ [] was filed on _____ as Application Serial No.

_____, and was amended on _____.

☐ [] was described and claimed in PCT International Application No. _____, filed on _____ and as amended under PCT Article 19 on _____, if any.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) or §365(b) of any foreign application for patent or inventor's certificate, or under §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT application which designates at least one country other than the United States of America for the same subject matter and having a filing date before that of the application on which priority is claimed:

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)
(Number)	(Country)	(Day/Month/Year Filed)
(Number)	(Country)	(Day/Month/Year Filed)

Priority Not Claimed

ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED

(Number)	(Country)	(Day/Month/Year Filed)
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CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

60/399,272
(Application Number)

July 26, 2002
(Filing Date)

(Application Number)

(Filing Date)

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S)
UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional,
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or under Title 35, United States Code, §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>Not yet assigned</u>	<u>July 23, 2003</u>	<u>Kimmel</u>
<u>(Serial No.)</u>	<u>Filing Date)</u>	<u>Inventor)</u>
<u>Entitled: HIGH THROUGHPUT OR CAPILLARY-BASED SCREENING FOR A</u>		
<u>BIOACTIVITY OR BIOMOLECULE</u>		

<u>09/975,036</u>	<u>October 10, 2001</u>	<u>pending</u>
<u>(Serial No.)</u>	<u>Filing Date)</u>	<u>Status)</u>
<u>10/145,281</u>	<u>May 13, 2002</u>	<u>pending</u>
<u>(Serial No.)</u>	<u>Filing Date)</u>	<u>Status)</u>
<u>09/985,432</u>	<u>Otober 10, 2000</u>	<u>pending</u>
<u>(Serial No.)</u>	<u>Filing Date)</u>	<u>Status)</u>
<u>09/444,112</u>	<u>November 22, 1999</u>	<u>pending</u>
<u>(Serial No.)</u>	<u>Filing Date)</u>	<u>Status)</u>
<u>09/098,206</u>	<u>June 16, 1998</u>	<u>issued</u>
<u>(Serial No.)</u>	<u>Filing Date)</u>	<u>Status)</u>
<u>08/876,276</u>	<u>June 16, 1997</u>	<u>pending</u>
<u>(Serial No.)</u>	<u>Filing Date)</u>	<u>Status)</u>

POWER OF ATTORNEY

I hereby appoint the attorneys and agents associated with Customer No. 29062, respectively and individually, as my attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith

Please address all communications to the address associated with Customer No. 29062, which is currently Diversa Corporation, Intellectual Property Department, P.O. Box 910550, San Diego, CA 92191-0550

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of third joint inventor: Denise Wyborski

Third inventor's signature: _____ Date: _____
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Full name of fourth joint inventor: Jonathan Moore

Fourth inventor's signature: _____ Date: _____
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Full name of fifth joint inventor: Gerhard Frey

Fifth inventor's signature: _____ Date: _____
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Full name of sixth joint inventor: Stefan Andrae

Sixth inventor's signature:

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Seventh inventor's signature:

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Full name of eighth joint inventor: Martin Keller

Eighth inventor's signature:

Date:

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